

# TITLE 4. PROFESSIONS AND OCCUPATIONS

## CHAPTER 46. BOARD OF APPRAISAL

*Title 4, Chapter 46, consisting of Article 1, Sections R4-46-101 through R4-46-105; Article 2, Sections R4-46-201 through R4-46-208; Article 3, Sections R4-46-301 through R4-46-306; Article 4, Section R4-46-401; Article 5, Sections R4-46-501 through R4-46-503; and Article 6, Section R4-46-601, adopted effective December 29, 1995 (Supp. 95-4).*

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*Article 6, consisting of Section R4-46-601, repealed effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).*

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### ARTICLE 1. GENERAL PROVISIONS

#### R4-46-101. Definitions

In these rules, unless the context otherwise requires:

"Arizona or State Certified General Appraiser" means the State Certified General Real Estate Appraiser classification set forth in A.R.S. § 32-3612(A)(1) and corresponds to the Certified General Real Property Appraiser classification of the Appraisal Foundation.

"Arizona or State Certified Residential Appraiser" means the State Certified Residential Real Estate Appraiser classification set forth in A.R.S. § 32-3612(A)(2) and corresponds to the Certified Residential Real Property Appraiser classification of the Appraisal Foundation.

"Arizona or State Licensed Appraiser" means the State Licensed Real Estate Appraiser classification set forth in A.R.S. § 32-3612(A)(3) and corresponds to the Licensed Real Property Appraiser classification of the Appraisal Foundation.

"Appraisal Foundation" means the educational organization, defined in A.R.S. § 32-3601(3), which is the parent organization of the Appraiser Qualifications Board and the Appraisal Standards Board. The Appraisal Foundation is located at 1029 Vermont Ave., N.W. Ste. 900, Washington, D.C. 20005.

"Appraiser" means an Arizona Licensed Appraiser, an Arizona Certified Residential Appraiser, or an Arizona Certified General Appraiser.

"Board" means the Arizona Board of Appraisal established by A.R.S. § 32-3604. For the purposes of Article 3, the term "Board" includes any administrative law judge used or contracted for by the Board.

"Course Provider" means any organization or individual offering prerequisite or continuing education courses.

"Formal Complaint" means notice of allegations issued by the Board pursuant to R4-46-302.

"Party" means each person or agency named or admitted as a party or properly seeking and entitled to participate in any proceeding before the Board.

"Respondent" means Appraiser, Course Provider, Property Tax Agent, or any other party responding to a motion or a proceeding before the Board.

"Rules" means the requirements set forth in the Arizona Administrative Code, Title 4, Chapter 46.

"USPAP" means the Uniform Standards of Professional Appraisal Practice.

#### Historical Note

Adopted effective December 29, 1995 (Supp. 95-4).  
Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

#### R4-46-102. Powers of Board

The Board may appoint advisory committees as the Board deems appropriate. The committees shall make advisory recommendations to the Board. The Board, in its discretion, may accept, reject, or modify the advisory recommendations.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).

**R4-46-103. Board Records; Public Access; Copying Fees**

- A. The Board shall keep all records reasonably necessary or appropriate to maintain an accurate knowledge of its official activities including, but not limited to: applications for an initial license or certificate; renewal applications; examination results; documents, transcripts, and pleadings relating to disciplinary proceedings and to hearings on the denial of a license or certificate; investigative reports; staff memoranda; and general correspondence between any person and the Board, members of the Board, or staff members.
- B. A person shall not remove Board records from the office of the Board unless the records are in the custody and control of a Board member, a member of the Board's staff, or the Board's attorney. The Executive Director may designate a staff member to observe and monitor any examination of Board records.
- C. The Board shall provide copies of all records available for public inspection and copying according to the procedures described in A.R.S. Title 39, Chapter 1, Article 2.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-104. Confidential Records**

Except as otherwise provided by law, the Board shall not disclose:

1. Questions contained in any examination administered by or for the Board or in any examination submitted to the Board for course approval;
2. Questions asked and the answers of individual examinees. However, the Board shall provide the grades of each examinee for public inspection and copying on and after the date set by the Board for the release of examination results;
3. Minutes of the Board's executive sessions; and
4. Appraisal reports or appraisal reviews and supporting documentation deemed confidential under USPAP and adopted by the Board.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-105. Meetings**

Pursuant to A.R.S. § 32-3604(F), the Board shall meet at least once each calendar quarter to conduct general business. Special meetings of the Board may be held at any time subject to the call of the chairman or a majority of the Board members.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).

**R4-46-106. Fees**

- A. Except as provided in subsections (D) and (E), the Board shall charge and collect fees for the following:
  1. Initial Application and First Biennial License: \$400
  2. Examination: \$100
  3. Reexamination: \$100
  4. Biennial Renewal of a License or Certificate: \$425
  5. Delinquent Renewal (in addition to the Renewal fee): \$25
  6. Biennial Federal Registry: \$50
  7. Nonresident Temporary License or Certificate: \$150
  8. Duplicate License or Certificate: \$5
  9. Course Review:
    - a. Qualifying Education

- i. Initial Review and Approval: \$300
  - ii. Review of Course Previously Approved: \$5
- b. Continuing Education
  - i. Initial Review and Approval of:
    - 2-hour courses: \$50
    - 3-and 4-hour courses: \$100
    - Any course 5 hours or longer: \$150
  - ii. Review of Course Previously Approved: \$5
- B. A person shall pay fees by cash, certified check, cashier's check, or money order payable to the Arizona Board of Appraisal.
- C. A person making a public record request shall pay the Board the reasonable cost of reproduction consistent with A.R.S. Title 39, Chapter 1, Article 2. The person shall pay for the Board's cost of reproduction by cash, certified check, cashier's check, or money order.
- D. The fee for an initial application filed after November 30, 1998, and before December 1, 2000, shall be \$300.
- E. The renewal application fee for a license or certificate expiring after November 30, 1998, and before December 1, 2000, shall be \$225.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**ARTICLE 2. LICENSING AND CERTIFICATION****R4-46-201. Appraiser Qualification Criteria**

- A. Except as provided in subsections (B) and (C), an applicant for the applicable classification of license or certificate should meet that classification's Appraiser Qualification Criteria, established by the Appraisal Foundation and dated February 16, 1994, which are incorporated by reference and on file with the Board and the Office of the Secretary of State. This incorporation by reference includes no future additions or amendments. A copy of the Appraiser Qualification Criteria may be obtained from the Board or the Appraisal Foundation.
- B. The incorporation by reference in subsection (A) does not govern an Appraiser's scope of practice. The scope of practice for each classification of license or certificate is set forth in A.R.S. § 32-3612(A). The incorporation by reference in subsection (A) does not govern the minimum amount of experience, measured in hours or years, necessary for certification. The minimum experience required for certification is set forth in A.R.S. § 32-3615(A).
- C. An applicant for any classification of a license or certificate shall complete at least two hours of course work covering A.R.S. Title 32, Chapter 36 and these rules.
- D. Regardless of whether a transaction is federally related:
  1. A State Licensed Residential Appraiser is limited to transactions involving one to four family residential real property having a value of less than 1 million dollars and not involving complex one to four family residential real property.
  2. A State Certified Residential Appraiser is limited to the scope of practice set forth in A.R.S. § 32-3612(A)(2).

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-202. Application for License or Certificate**

- A. An applicant for a state certificate or license shall submit a completed application accompanied by the appropriate application fee. Once the application has been filed, fees are non-refundable.

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- B.** To be eligible for a license or certificate, an applicant shall:
  1. Meet the qualification criteria contained in A.R.S. Title 32, Chapter 36, Article 2 and these rules;
  2. Achieve a passing score on the applicable examination required by R4-46-204(D), unless exempted under A.R.S. § 32-3626;
  3. Pay all required application and examination fees;
  4. Pay the biennial federal registry fee; and
  5. Comply with the requirements of A.R.S. § 32-3611.
- C.** In addition to the requirements listed above in subsection (B), an applicant for licensure shall demonstrate 2,000 hours of experience earned in not less than 18 months.
- D.** An applicant shall meet all requirements for a license or certificate within one year of filing the application or the applicant's file will be closed and the applicant shall reapply, meeting the requirements of R4-46-202(B). The Board shall notify an applicant whose application has been closed by certified mail or personal service at the applicant's last known address of record. Notice is complete upon deposit in the U.S. mail or by service as permitted under the Arizona Rules of Civil Procedure.
- B.** If the test provider does not allow for a test on demand, an applicant shall file an application to take an examination at least 45 days prior to the examination date.
- C.** Rescheduling; excused absence; forfeiture
  1. Except as provided in subsections (C)(2) and (3), the Board shall not provide an applicant scheduled for an examination date with a later examination date unless the applicant files a new application and pays a reexamination fee.
  2. The Board may grant an excused absence from a scheduled examination if the applicant provides evidence satisfactory to the Board that the absence was the direct result of an emergency situation or condition which was beyond the applicant's control and which could not have been reasonably foreseen by the applicant. An applicant shall promptly make a request for an excused absence in writing and support the request with documentation verifying the reason for the absence. A request for an excused absence received more than 15 days after the examination date will be denied unless the applicant was unable to file a timely request due to the same circumstances that prevented the applicant from taking the examination.
  3. An applicant may request that the applicant's examination date be rescheduled if the request is made at least 15 days before the originally scheduled examination date.
- D.** Subject Matter. Each applicant shall take an examination for the applicable classification of license or certificate that covers the subject matter set forth in the National Uniform Examination Content Outline, dated November 4, 1993, which is incorporated by reference and on file with the Board and the Office of the Secretary of State. This incorporation by reference contains no future additions or amendments. A copy of the outline may be obtained from the Board or the Appraisal Foundation.
- E.** Reexamination. An applicant for a license or certificate who fails to pass an examination or fails to appear for a scheduled examination may schedule another examination by filing a new application and paying the reexamination fee.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
 Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).  
 Amended by final rulemaking at 6 A.A.R. 768, effective February 3, 2000 (Supp. 00-1).

**R4-46-203. Procedures for Processing Applications**

- A.** To comply with A.R.S. Title 41, Chapter 6, Article 7.1, the Board establishes the following time-frames for all licenses and certificates:
  1. The Board shall notify the applicant within 45 days of receipt of the application that it is either complete or incomplete. If the application is incomplete, the notice shall specify what information is missing.
  2. The Board shall not substantively review an application until the applicant has fully complied with the requirements of R4-46-202. The Board shall render a final decision not later than 45 days after the applicant successfully completes all requirements of R4-46-202.
  3. Although the applicant may have up to one year to comply with requirements of R4-46-202, the overall time-frame for Board action is 90 days, 45 days for administrative completeness review and 45 days for substantive review.
- B.** If the Board denies a license, the Board shall send the applicant written notice explaining:
  1. The reason for denial, with citations to supporting statutes or rules;
  2. The applicant's right to seek a hearing to challenge the denial; and
  3. The time periods for appealing the denial.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4). Section R4-46-203 renumbered to R4-46-204; new Section R4-46-203 adopted effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-204. Appraiser Examinations**

- A.** The Board shall not schedule an applicant for an examination until the applicant has completed all of the prerequisite education requirements.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
 Former Section R4-46-204 renumbered to R4-46-205; new Section R4-46-204 renumbered from R4-46-203 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-205. Issuance of a License or Certificate**

An applicant who has met the appraiser qualification criteria prescribed in R4-46-202(B), achieved a passing score on the applicable examination, and paid the application and biennial federal registry fees shall be issued a license or certificate which entitles the applicant to practice as an Appraiser for the term of the license or certificate.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-205 renumbered to R4-46-206; new Section R4-46-205 renumbered from R4-46-204 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-206. Hearing on Denial of a License or Certificate**

Pursuant to A.R.S. § 41-1065, any applicant denied a license or certificate by the Board may file a written request for hearing, within 30 days after issuance of the notice of denial. Any hearing shall be conducted under the formal hearing procedures prescribed in Article 3 of these rules.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-206 renumbered to R4-46-207; new Section R4-46-206 renumbered from R4-46-205 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-207. Renewal of a License or Certificate**

- A. No later than 30 days before expiration of an Appraiser's license or certificate, an Appraiser seeking to renew the license or certificate shall submit a completed application accompanied by the appropriate renewal application fees. Once the application has been filed, fees are non-refundable. To be eligible for a renewal of a license or certificate, an applicant shall:
1. Meet the requirements of A.R.S. Title 32, Chapter 36, and these rules;
  2. Meet the continuing education requirements set forth in the Appraiser Qualification Criteria incorporated by reference in R4-46-201(A);
  3. Pay the renewal and biennial federal registry fees.
- B. In addition to the requirements in subsection (A), effective October 1, 2000, a renewal applicant shall demonstrate completion of a minimum of 14 hours of course work in USPAP within four years prior to expiration of the license or certificate. Courses used to satisfy this requirement cannot be used to satisfy the requirements of subsection (A)(2) unless the course was completed within two years prior to the expiration of the license or certificate.
- C. If the last day for filing falls on a Saturday, Sunday, or legal holiday, the Appraiser may file the renewal form on the next business day.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-207 renumbered to R4-46-209; new Section R4-46-207 renumbered from R4-46-206 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-208. Renewal of an Expired License or Certificate**

- A. An Appraiser may renew a license or certificate which has expired within 90 days of expiration. If the last day falls on a Saturday, Sunday, or legal holiday, the Appraiser may file a renewal on the next business day.
- B. To apply for renewal of an expired license within the 90 day period, an Appraiser shall comply with the requirements of R4-46-207 and submit the delinquent renewal fee prescribed by R4-46-207 and submit the delinquent renewal fee prescribed by R4-46-106. Once an application for renewal of an expired license or certificate has been filed, fees are non-refundable.
- C. An Appraiser who fails to seek renewal within the time prescribed by this rule shall re-apply, meeting the requirements of R4-46-202(B).

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-208 renumbered to R4-46-210; new Section R4-46-208 adopted effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-209. Replacement License or Certificate**

If an original license or certificate has been lost, damaged, or destroyed, or if the name of a licensee or certificate holder has been legally changed, the Appraiser may obtain a replacement license or certificate by filing the applicable form and paying a copying fee to the Board.

**Historical Note**

R4-46-209 renumbered from R4-46-207 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-210. Change of Address**

Appraisers and applicants for a license or certificate shall notify the Board in writing of any change in permanent business or residence address within 10 business days of the change.

**Historical Note**

R4-46-210 renumbered from R4-46-208 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**ARTICLE 3. HEARINGS AND DISCIPLINARY PROCEEDINGS****R4-46-301. Investigations; Informal Proceedings; Summary Suspensions**

- A. The Board shall investigate a written complaint alleging violations of A.R.S. Title 32, Chapter 36, or any of these rules. Within 14 days after receipt of a complaint the Board shall notify the Respondent and provide the Respondent the opportunity to submit a written response within 21 days from the date of notice of the complaint. The notice shall include a copy of the complaint and request that the respondent address issues referred to in the complaint. The Respondent may request and the Board may grant a continuance not to exceed 30 days upon a showing of good cause.
- B. Investigation
1. After receipt of the response or expiration of 21 days, as extended, whichever is earlier, the Board shall review the complaint to determine if further investigation is necessary. If the Board determines further investigation is necessary the Board may employ an investigator or investigators and shall notify the Respondent of the pending investigation.
  2. When a Respondent's name appears on an agenda, the Respondent shall be notified according to A.R.S. Title 38, Chapter 3, Article 3.1.
  3. If a matter is not resolved within 18 months of receipt of the response, it will be scheduled for review to determine if good cause exists to continue the investigation further. R4-46-301(B) is not retroactive. R4-46-301(B) only applies to investigations commenced after October 1, 1998. If, after completing its investigation, the Board finds that further action against the Respondent is not merited, the matter shall be dismissed.
- C. Any time after a complaint has been filed against a Respondent, but not later than 15 days prior to a scheduled formal hearing, the matter may be resolved by a settlement in which the Respondent agrees to accept discipline by consent in lieu of a disciplinary order. Discipline may include, but is not limited to, surrender or suspension of a license or certificate, a requirement that the Respondent successfully complete education courses, a requirement that the Respondent limit his or her scope of practice, or a requirement that the Respondent submit work product for professional peer review. If the Board determines the proposed settlement will adequately protect the public, the Board may accept the offer, with or without admissions, and enter an order of discipline consented to by the Respondent, incorporating the proposed settlement. Settlements made for the purpose of settlement are not admissible in a formal hearing.
- D. If, after evaluation of the complaint and any written response, in the opinion of the Board, it appears the Respondent is or may be in violation of the Board's rules or statutes, the Board

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may request an informal hearing with the Respondent. The Board shall provide the Respondent with 20 days notice of the date and time of the informal hearing from the date notice is mailed via certified mail or otherwise served as provided in the Arizona Rules of Civil Procedure. The notice of informal hearing shall include a statement of the matters asserted and issues involved, the Respondent's right to appear with or without legal counsel; and the Respondent's right to a formal hearing, held pursuant to R4-46-302. The Respondent may request and the Board may grant a continuance not to exceed 30 days upon a showing of good cause. During the informal hearing the Board shall swear witnesses, question the Respondent and witnesses, and deliberate. If the Board finds a violation of the rules or statutes, but the violation is not of sufficient seriousness to merit suspension or revocation, it may take any or all of the following actions:

1. Issue a decree of censure;
2. Set a time period and terms of probation sufficient to protect the public welfare and safety and to educate the Respondent concerned. The Board may require the Respondent to:
  - a. Submit to an examination;
  - b. Obtain training or education;
  - c. Submit to supervision or peer review; or
  - d. Accept restrictions on the nature and scope of the Respondent's practice.

- E. If the Board finds that the public welfare or safety requires emergency action and incorporates a finding to that effect in its order, the Board may order a summary suspension pending proceedings for revocation or other action. If an order of summary suspension is issued, the Board shall serve the Respondent with a written notice of summary suspension and formal hearing, listing the charges against the Respondent and setting a formal hearing within 30 days.
- F. A Respondent may refuse a request to appear at an informal hearing.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-302. Formal Hearing Procedures**

- A. The Board shall issue a notice of hearing and formal complaint for formal disciplinary proceedings if:
  1. The Respondent refuses an invitation to an informal hearing;
  2. After an informal hearing, the Board determines suspension or revocation may be warranted;
  3. The Respondent is aggrieved by the Board's decision in an informal hearing; or
  4. After completing its investigation, the Board finds that suspension or revocation may be warranted.
- B. Except as provided in R4-46-301(E), the Board shall provide notice of a formal hearing to a Respondent at least 30 days prior to the date set for the hearing. The Board shall notify the Respondent by certified mail or personal service at the Respondent's last known address of record. Unless otherwise specified, any notice provided for in these rules is complete upon deposit in the U.S. mail or by service as permitted under the Arizona Rules of Civil Procedure.
- C. On its own motion or a motion of a party and a showing of good cause, the Board may hear a case or have the case heard by an administrative law judge. The Board shall not deny the motion without good cause. The Board may accept, reject or modify the administrative law judge's recommended decision and shall issue a final order.

**D. Board Hearings:**

1. The Board may conduct a hearing without adherence to the rules of evidence used in civil proceedings. The Board shall include the Respondent's application and disciplinary records as evidence in the hearing record.
2. In all hearings required or permitted by statute, order of the Board, or these rules, the Party seeking relief has the burden of proof and will present evidence first.

**E. Failure to answer or appear:**

1. Upon the motion of the State, the failure of a Respondent to answer within 20 days of notice of a formal complaint without good cause may be deemed an admission by the Respondent of the commission of the acts charged in the formal complaint. The Respondent shall answer and defend within 10 days of the filing of the motion to for default. In the absence of an answer or response the Board may grant the motion for default, vacate the formal hearing and impose any sanction provided by this Article.
2. The failure of a Party to appear for a formal hearing without good cause shall leave the Board free to act upon the evidence and other information at hand without further notice.

- F. The Board shall make and keep record of a hearing and in the case of disciplinary hearings or where requested by a Party or ordered by the Board, a transcript shall be prepared and filed with the Board. If the transcript is prepared at the request of a Party, the cost of the transcript shall be paid by the Party making the request, unless the Board, for good cause shown waives assessment of this cost.

- G. A Party may request and the Board may grant a continuance of a hearing date or any other deadline imposed by R4-46-302 upon a showing of good cause.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-302 repealed; new Section R4-46-302 renumbered from R4-46-303 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-303. Rehearing or Review of the Board's Decision**

- A. Except as provided in subsection (H) of this Section, any Party in a contested case before the Board may file a motion for rehearing or review within 30 days after service of the final administrative decision. Service is complete upon personal service or five days after the date the decision is mailed to the Party's last known address. The Party shall attach a full supporting memorandum specifying the grounds for the motion. For the purposes of this subsection, a decision is deemed to have been served when personally delivered or mailed by certified mail to the Party's last known address of record.
- B. The opposing Party may file a response within 15 days after service of the motion for rehearing or review, or by a date ordered by the Board, whichever is later. The Party shall support the response with a memorandum discussing legal and factual issues.
- C. Either Party may request or the Board may order oral argument.
- D. The Board may grant rehearing or review for any of the following causes materially affecting a Party's rights:
  1. Irregularity in the administrative proceedings of the Board or any other abuse of discretion which deprived the moving Party of a fair hearing;
  2. Misconduct of the Board or any Party;
  3. Accident or surprise which could not have been prevented by ordinary prudence;

4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
  5. Excessive or insufficient sanction;
  6. Error in the admission or rejection of evidence or other errors of law at the administrative hearing or during the progress of the proceedings or;
  7. Unjustified decision based upon the evidence, or a decision that is contrary to law.
- E.** The Board may affirm or modify the decision or grant a rehearing to any Party on all or part of the issues for any of the reasons set forth in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order. The rehearing, if granted, shall be limited to matters specified by the Board.
- F.** Not later than 30 days after a decision is rendered, the Board may order a rehearing or review on its own initiative, for any reason which it might have granted relief on motion of a Party.
- G.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing Party may submit opposing affidavits with the response. Reply affidavits may be permitted.

#### Historical Note

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-303 renumbered to R4-46-302; new Section R4-46-303 renumbered from R4-46-304 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

#### R4-46-304. Conviction and Judgment Disclosure

- A.** When an Appraiser, Property Tax Agent, or Course Provider is convicted of any act which is or would be punishable as a felony involving moral turpitude in this state, or any crime which is substantially related to the respective qualifications, functions, and duties of an Appraiser, Property Tax Agent, or Course Provider, the convicted person shall notify the Board within 20 days of entry of a plea of guilty or conviction.
- B.** When a civil judgment based on fraud, misrepresentation, or deceit in the making of any appraisal or mass appraisal is entered against an Appraiser, Property Tax Agent, or Course Provider, the person against whom the judgement is entered shall notify the Board within 20 days of entry of judgement.

#### Historical Note

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-304 renumbered to R4-46-303; new Section R4-46-304 renumbered from R4-46-305 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

#### R4-46-305. Terms and Conditions of Reapplication after Revocation

- A.** An applicant who re-applies after revocation of a license, certificate, or course approval, shall submit an application for license, certificate, or course approval consistent with these rules. The applicant shall attach substantial evidence to the application that the issuance of a license, certificate, or course approval will no longer constitute a threat to the public welfare and safety.
- B.** The Board shall make a determination of each application that is consistent with the public safety and welfare.

#### Historical Note

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-305 repealed; new Section R4-46-305 renumbered from R4-46-306 and amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

#### R4-46-306. Renumbered

##### Historical Note

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-306 renumbered to R4-46-305 effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

#### ARTICLE 4. STANDARDS OF PRACTICE

##### R4-46-401. Standards of Appraisal Practice

Every appraiser, in performing the acts and services of an appraiser, shall comply with the Uniform Standards of Professional Appraisal Practice (USPAP), 2004 edition, published by The Appraisal Foundation, which is incorporated by reference and on file with the Board. This incorporation by reference contains no future additions or amendments. A copy of the USPAP 2004 edition may be obtained from the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005; toll free 1-800-805-7857; (202) 347-7722; fax (202) 347-7727; or web site [www.appraisalfoundation.org](http://www.appraisalfoundation.org).

##### Historical Note

Adopted effective December 29, 1995 (Supp. 95-4). R4-46-401 amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 2734, effective July 21, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 1577, effective April 4, 2000 (Supp. 00-2). Amended by final rulemaking at 7 A.A.R. 1373, effective March 7, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 1951, effective April 3, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 1603, effective May 6, 2003 (Supp. 03-2). Amended by final rulemaking at 10 A.A.R. 2677, effective June 8, 2004 (Supp. 04-2).

#### ARTICLE 5. COURSE APPROVAL

##### R4-46-501. Course Approval

- A.** A Course Provider seeking course approval shall apply to the Board on the applicable form and pay the appropriate fee.
- B.** The following requirements apply to courses submitted for approval:
1. The Course Provider shall follow education standards set forth in the Appraiser Qualification Criteria incorporated by reference in R4-46-201;
  2. The Course Provider shall use an outline, and a text or other written materials. The Course Provider shall furnish the Board with the outline, text, or other written material at the time of application. Lack of documentation may result in the delay or denial of course approval;
  3. If a course is required for a license or certificate, the Course Provider shall give a comprehensive examination pertinent to the topics addressed in the course.
  4. The Course Provider shall conduct the course in a setting physically suitable to the educational activity of the program; and
  5. The Course Provider shall submit proof of compliance with the following standards. The Course Provider shall:
    - a. Apply the Appraiser Qualification Criteria set forth in subsection (B)(1);
    - b. Provide a copy of an attendance certificate to the student after completion of the course, indicating the name of the Course Provider, the name of the student, the title of the course, the number of classroom hours completed in the course, the dates the course was taken, and whether the students successfully completed any final examination;

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- c. Maintain a record of registration, attendance, and examination for each student, for six years following the student's attendance in the course, and provide a copy of the record at the request of the Board or the student;
- d. Deny course credit to any student who does not meet requirements of the Appraisal Qualification Board;
- e. Use instructors with one or more of the following qualifications:
  - i. At least, a bachelor's degree in the field of instruction or in a closely related field of instruction, or
  - ii. Five years of work experience in the subject taught, or
  - iii. A combination of education and work experience which the Board determines is substantially equivalent to the requirements in subsections (i) and (ii).
- C. Course approval lasts for a period of one year, expiring at the end of the month in which approval was granted, at which time the Course Provider shall re-apply for course approval of a course previously approved. No later than 30 days prior to the expiration date, a Course Provider may apply for review of a course previously approved on the form provided by the Board and pay the appropriate fee. Any substantive change in the materials to be addressed in the classroom, including but not limited to changes in the course outline, text, or other written material will require immediate re-application and approval by the Board.
- D. The Board shall waive the course approval fee for a course offered outside of the state if the course was approved by the appraisal licensing or certifying authority in that state and the Board determines that the course meets the standards for course approval set forth in these rules.
- E. The Board shall investigate and may deny, revoke, or suspend course approval for any of the following acts or omissions:
  - 1. Failure to comply with the education requirements set forth in this Article.
  - 2. Failure to operate as indicated in the application for course approval.
  - 3. Failure to instruct in a manner consistent with the outline and materials previously approved by the Board.
- F. If the Board finds that the public welfare or safety requires emergency action and incorporates a finding to that effect in its order, the Board shall order a summary suspension of course approval pending proceedings for revocation or other action. If an order of summary suspension is issued, the Board shall serve the Course Provider with a written notice of summary suspension and formal hearing, listing the charges against the Course Provider and setting a formal hearing within 30 days.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-502. Expired**

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).  
Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1893, effective January 31, 2004 (Supp. 04-2).

**R4-46-503. Hearing on Denial of Course Approval**

Any applicant or Course Provider denied course approval may file a written request for a hearing within 30 days after service of the notice of denial. The Board shall process all hearings and disciplinary matters involving course approval in a manner consistent with the formal hearing procedures prescribed in Article 3.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4).  
Amended effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**ARTICLE 6. PROPERTY TAX AGENTS**

**R4-46-601. Standards of Practice**

The Board may revoke or suspend an agent's registration or otherwise discipline a Property Tax Agent to the extent permitted by A.R.S. § 32-3654 for any of the following acts or omissions:

1. Engaging in an activity that leads to a conviction for a crime involving the tax profession;
2. Operating beyond the boundaries of an agreed relationship with an employer or a client;
3. Inferring or implying representation of a person or firm that the agent does not represent, or filing a document on behalf of a taxpayer without specific authorization of the taxpayer;
4. Violating the confidential nature of the Property Tax Agent-client relationship, except as required by law;
5. Inappropriately offering or accepting anything of value with the intent of inducing or in return for a specific action;
6. Assigning, accepting, or performing a tax assignment that is contingent upon producing a predetermined analysis or conclusion;
7. Issuing an appraisal analysis or opinion, in the performance of a tax assignment, that fails to disclose bias or the accommodation of a personal interest;
8. Willfully furnishing inaccurate, deceitful, or misleading information, or willfully concealing material information in the performance of a tax assignment;
9. Preparing or using, in any manner, a resume or statement of professional qualifications that is misleading or false;
10. Promoting a tax agent practice and soliciting assignments by using misleading or false advertising;
11. Soliciting a tax assignment by assuring a specific result or by stating a conclusion regarding that assignment without prior analysis of the facts;
12. Performing an appraisal as defined by A.R.S. § 32-3601 unless licensed or certified by the Board as an appraiser.

**Historical Note**

Adopted effective December 29, 1995 (Supp. 95-4). Section repealed; new Section adopted effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).

**R4-46-602. Disciplinary Proceedings; Board Action; Notice Requirements**

The Board shall process all hearings and disciplinary matters involving Property Tax Agents in a manner consistent with the formal hearing procedures prescribed by Article 3 and consistent with A.R.S. § 32-3654.

**Historical Note**

Adopted effective October 1, 1998; filed in the Office of the Secretary of State September 10, 1998 (Supp. 98-3).